

APPEAL NO. 031206
FILED JULY 1, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 10, 2003. The hearing officer determined that the appellant (claimant) did not have disability from March 12, through September 18, 2002, as result of the _____, compensable injury. The claimant appeals this determination. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determination. Whether the claimant had disability for the period of time in dispute was a factual question for the hearing officer to resolve. Termination for cause is not, as a matter of law, determinative of the issue of disability, but may be considered by the hearing officer in determining why the claimant is unable to earn the preinjury wage. Texas Workers' Compensation Commission Appeal No. 92200, decided July 3, 1992. In this case, the hearing officer noted that the claimant was terminated for cause and, attributing his inability to earn his preinjury wage to his termination, concluded that the claimant did not have disability from March 12, through September 18, 2002. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PRENTICE-HALL CORP. SYSTEMS
800 BRAZOS
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge